



Sen. Terry Link

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1 AMENDMENT TO SENATE BILL 662

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 662 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Election Code is amended by changing  
5 Sections 9-9.5, 16-10, 17-16.1, 18-9.1, 19-8, 19A-35, 20-8,  
6 24A-10.1, 24A-15, 24B-6, 24B-10.1, 24B-15, 24C-12, 24C-15, and  
7 28-6 as follows:

8 (10 ILCS 5/9-9.5)

9 Sec. 9-9.5. Disclosures in political communications.

10 (a) Any political committee, organized under the Election  
11 Code, that makes an expenditure for a pamphlet, circular,  
12 handbill, Internet or telephone communication, radio,  
13 television, or print advertisement, or other communication  
14 directed at voters and mentioning the name of a candidate in  
15 the next upcoming election shall ensure that the name of the  
16 political committee paying for any part of the communication,

1 including, but not limited to, its preparation and  
2 distribution, is identified clearly within the communication  
3 as the payor. This subsection does not apply to items that are  
4 too small to contain the required disclosure. Nothing in this  
5 subsection shall require disclosure on any telephone  
6 communication using random sampling or other scientific survey  
7 methods to gauge public opinion for or against any candidate or  
8 question of public policy.

9 Whenever any vendor or other person provides any of the  
10 services listed in this subsection, other than any telephone  
11 communication using random sampling or other scientific survey  
12 methods to gauge public opinion for or against any candidate or  
13 question of public policy, the vendor or person shall keep and  
14 maintain records showing the name and address of the person who  
15 purchased or requested the services and the amount paid for the  
16 services. The records required by this subsection shall be kept  
17 for a period of one year after the date upon which payment was  
18 received for the services.

19 (b) Any political committee, organized under this Code,  
20 that makes an expenditure for a pamphlet, circular, handbill,  
21 Internet or telephone communication, radio, television, or  
22 print advertisement, or other communication directed at voters  
23 and (i) mentioning the name of a candidate in the next upcoming  
24 election, without that candidate's permission, or ~~and~~ (ii)  
25 advocating for or against a public policy position shall ensure  
26 that the name of the political committee paying for any part of

1 the communication, including, but not limited to, its  
2 preparation and distribution, is identified clearly within the  
3 communication. Nothing in this subsection shall require  
4 disclosure on any telephone communication using random  
5 sampling or other scientific survey methods to gauge public  
6 opinion for or against any candidate or question of public  
7 policy.

8 (c) A political committee organized under this Code shall  
9 not make an expenditure for any unsolicited telephone call to  
10 the line of a residential telephone customer in this State  
11 using any method to block or otherwise circumvent that  
12 customer's use of a caller identification service.

13 (Source: P.A. 93-615, eff. 11-19-03; 93-847, eff. 7-30-04;  
14 94-645, eff. 8-22-05; 94-1000, eff. 7-3-06.)

15 (10 ILCS 5/16-10) (from Ch. 46, par. 16-10)

16 Sec. 16-10. The judges of election shall cause not less  
17 than one of such cards to be posted in each voting booth  
18 provided for the preparation of ballots, and not less than four  
19 of such cards to be posted in and about the polling places upon  
20 the day of election. In every county of not more than 500,000  
21 inhabitants, each election authority shall cause to be  
22 published, prior to the day of any election, in at least two  
23 newspapers, if there be so many published in such county, a  
24 list of all the nominations made as in this Act provided and to  
25 be voted for at such election, as near as may be, in the form in

1 which they shall appear upon the general ballot; provided that  
2 this requirement shall not apply with respect to any  
3 consolidated primary for which the local election official is  
4 required to make the publication under Section 7-21.

5 (Source: P.A. 80-1469.)

6 (10 ILCS 5/17-16.1) (from Ch. 46, par. 17-16.1)

7 Sec. 17-16.1. Write-in votes shall be counted only for  
8 persons who have filed notarized declarations of intent to be  
9 write-in candidates with the proper election authority or  
10 authorities not later than 61 days prior to 5:00 p.m. on the  
11 ~~Tuesday immediately preceding~~ the election.

12 Forms for the declaration of intent to be a write-in  
13 candidate shall be supplied by the election authorities. Such  
14 declaration shall specify the office for which the person seeks  
15 election as a write-in candidate.

16 The election authority or authorities shall deliver a list  
17 of all persons who have filed such declarations to the election  
18 judges in the appropriate precincts prior to the election.

19 A candidate for whom a nomination paper has been filed as a  
20 partisan candidate at a primary election, and who is defeated  
21 for his or her nomination at the primary election is ineligible  
22 to file a declaration of intent to be a write-in candidate for  
23 election in that general or consolidated election.

24 A candidate seeking election to an office for which  
25 candidates of political parties are nominated by caucus who is

1 a participant in the caucus and who is defeated for his or her  
2 nomination at such caucus is ineligible to file a declaration  
3 of intent to be a write-in candidate for election in that  
4 general or consolidated election.

5 A candidate seeking election to an office for which  
6 candidates are nominated at a primary election on a nonpartisan  
7 basis and who is defeated for his or her nomination at the  
8 primary election is ineligible to file a declaration of intent  
9 to be a write-in candidate for election in that general or  
10 consolidated election.

11 Nothing in this Section shall be construed to apply to  
12 votes cast under the provisions of subsection (b) of Section  
13 16-5.01.

14 (Source: P.A. 89-653, eff. 8-14-96.)

15 (10 ILCS 5/18-9.1) (from Ch. 46, par. 18-9.1)

16 Sec. 18-9.1. Write-in votes shall be counted only for  
17 persons who have filed notarized declarations of intent to be  
18 write-in candidates with the proper election authority or  
19 authorities not later than 61 days prior to 5:00 p.m. on the  
20 ~~Tuesday immediately preceding~~ the election.

21 Forms for the declaration of intent to be a write-in  
22 candidate shall be supplied by the election authorities. Such  
23 declaration shall specify the office for which the person seeks  
24 election as a write-in candidate.

25 The election authority or authorities shall deliver a list

1 of all persons who have filed such declarations to the election  
2 judges in the appropriate precincts prior to the election.

3 A candidate for whom a nomination paper has been filed as a  
4 partisan candidate at a primary election, and who is defeated  
5 for his or her nomination at the primary election, is  
6 ineligible to file a declaration of intent to be a write-in  
7 candidate for election in that general or consolidated  
8 election.

9 A candidate seeking election to an office for which  
10 candidates of political parties are nominated by caucus who is  
11 a participant in the caucus and who is defeated for his or her  
12 nomination at such caucus is ineligible to file a declaration  
13 of intent to be a write-in candidate for election in that  
14 general or consolidated election.

15 A candidate seeking election to an office for which  
16 candidates are nominated at a primary election on a nonpartisan  
17 basis and who is defeated for his or her nomination at the  
18 primary election is ineligible to file a declaration of intent  
19 to be a write-in candidate for election in that general or  
20 consolidated election.

21 Nothing in this Section shall be construed to apply to  
22 votes cast under the provisions of subsection (b) of Section  
23 16-5.01.

24 (Source: P.A. 89-653, eff. 8-14-96.)

1       Sec. 19-8. Time and place of counting ballots.

2       (a) (Blank.)

3       (b) Each absent voter's ballot returned to an election  
4 authority, by any means authorized by this Article, and  
5 received by that election authority before the closing of the  
6 polls on election day shall be endorsed by the receiving  
7 election authority with the day and hour of receipt and shall  
8 be counted in the central ballot counting location of the  
9 election authority on the day of the election after 7:00 p.m.,  
10 except as provided in subsections (g) and (g-5).

11       (c) Each absent voter's ballot that is mailed to an  
12 election authority and postmarked by the midnight preceding the  
13 opening of the polls on election day, but that is received by  
14 the election authority after the polls close on election day  
15 and before the close of the period for counting provisional  
16 ballots cast at that election, shall be endorsed by the  
17 receiving authority with the day and hour of receipt and shall  
18 be counted at the central ballot counting location of the  
19 election authority during the period for counting provisional  
20 ballots.

21       Each absent voter's ballot that is mailed to an election  
22 authority absent a postmark, but that is received by the  
23 election authority after the polls close on election day and  
24 before the close of the period for counting provisional ballots  
25 cast at that election, shall be endorsed by the receiving  
26 authority with the day and hour of receipt, opened to inspect

1 the date inserted on the certification, and, if the  
2 certification date is a date preceding the election day and the  
3 ballot is otherwise found to be valid under the requirements of  
4 this Section, counted at the central ballot counting location  
5 of the election authority during the period for counting  
6 provisional ballots. Absent a date on the certification, the  
7 ballot shall not be counted.

8 (d) Special write-in absentee voter's blank ballots  
9 returned to an election authority, by any means authorized by  
10 this Article, and received by the election authority at any  
11 time before the closing of the polls on election day shall be  
12 endorsed by the receiving election authority with the day and  
13 hour of receipt and shall be counted at the central ballot  
14 counting location of the election authority during the same  
15 period provided for counting absent voters' ballots under  
16 subsections (b), (g), and (g-5). Special write-in absentee  
17 voter's blank ballots that are mailed to an election authority  
18 and postmarked by the midnight preceding the opening of the  
19 polls on election day, but that are received by the election  
20 authority after the polls close on election day and before the  
21 closing of the period for counting provisional ballots cast at  
22 that election, shall be endorsed by the receiving authority  
23 with the day and hour of receipt and shall be counted at the  
24 central ballot counting location of the election authority  
25 during the same periods provided for counting absent voters'  
26 ballots under subsection (c).



1           (e) Except as otherwise provided in this Section, absent  
2 voters' ballots and special write-in absentee voter's blank  
3 ballots received by the election authority after the closing of  
4 the polls on an election day shall be endorsed by the election  
5 authority receiving them with the day and hour of receipt and  
6 shall be safely kept unopened by the election authority for the  
7 period of time required for the preservation of ballots used at  
8 the election, and shall then, without being opened, be  
9 destroyed in like manner as the used ballots of that election.

10          (f) Counting required under this Section to begin on  
11 election day after the closing of the polls shall commence no  
12 later than 8:00 p.m. and shall be conducted by a panel or  
13 panels of election judges appointed in the manner provided by  
14 law. The counting shall continue until all absent voters'  
15 ballots and special write-in absentee voter's blank ballots  
16 required to be counted on election day have been counted.

17          (g) The procedures set forth in Articles 17 and 18 of this  
18 Code shall apply to all ballots counted under this Section. In  
19 addition, within 2 days after an absentee ballot, other than an  
20 in-person absentee ballot, is received, but in all cases before  
21 the close of the period for counting provisional ballots, the  
22 election judge or official shall compare the voter's signature  
23 on the certification envelope of that absentee ballot with the  
24 signature of the voter on file in the office of the election  
25 authority. If the election judge or official determines that  
26 the 2 signatures match, and that the absentee voter is

1 otherwise qualified to cast an absentee ballot, the election  
2 authority shall cast and count the ballot on election day or  
3 the day the ballot is determined to be valid, whichever is  
4 later, adding the results to the precinct in which the voter is  
5 registered. If the election judge or official determines that  
6 the signatures do not match, or that the absentee voter is not  
7 qualified to cast an absentee ballot, then without opening the  
8 certification envelope, the judge or official shall mark across  
9 the face of the certification envelope the word "Rejected" and  
10 shall not cast or count the ballot.

11 In addition to the voter's signatures not matching, an  
12 absentee ballot may be rejected by the election judge or  
13 official:

14 (1) if the ballot envelope is open or has been opened  
15 and resealed;

16 (2) if the voter has already cast an early or grace  
17 period ballot;

18 (3) if the voter voted in person on election day or the  
19 voter is not a duly registered voter in the precinct; or

20 (4) on any other basis set forth in this Code.

21 If the election judge or official determines that any of  
22 these reasons apply, the judge or official shall mark across  
23 the face of the certification envelope the word "Rejected" and  
24 shall not cast or count the ballot.

25 (g-5) If an absentee ballot, other than an in-person  
26 absentee ballot, is rejected by the election judge or official

1 for any reason, the election authority shall, within 2 days  
2 after the rejection but in all cases before the close of the  
3 period for counting provisional ballots, notify the absentee  
4 voter that his or her ballot was rejected. The notice shall  
5 inform the voter of the reason or reasons the ballot was  
6 rejected and shall state that the voter may appear before the  
7 election authority, on or before the 14th day after the  
8 election, to show cause as to why the ballot should not be  
9 rejected. The voter may present evidence to the election  
10 authority supporting his or her contention that the ballot  
11 should be counted. The election authority shall appoint a panel  
12 of 3 election judges to review the contested ballot,  
13 application, and certification envelope, as well as any  
14 evidence submitted by the absentee voter. No more than 2  
15 election judges on the reviewing panel shall be of the same  
16 political party. The reviewing panel of election judges shall  
17 make a final determination as to the validity of the contested  
18 absentee ballot. The judges' determination shall not be  
19 reviewable either administratively or judicially.

20 An absentee ballot subject to this subsection that is  
21 determined to be valid shall be counted before the close of the  
22 period for counting provisional ballots.

23 (g-10) All absentee ballots determined to be valid shall be  
24 added to the vote totals for the precincts for which they were  
25 cast in the order in which the ballots were opened.

26 (h) Each political party, candidate, and qualified civic

1 organization shall be entitled to have present one pollwatcher  
2 for each panel of election judges therein assigned.

3 (Source: P.A. 94-557, eff. 8-12-05; 94-1000, eff. 7-3-06.)

4 (10 ILCS 5/19A-35)

5 Sec. 19A-35. Procedure for voting.

6 (a) Not more than 23 days before the start of the election,  
7 the county clerk shall make available to the election official  
8 conducting early voting by personal appearance a sufficient  
9 number of early ballots, envelopes, and printed voting  
10 instruction slips for the use of early voters. The election  
11 official shall receipt for all ballots received and shall  
12 return unused or spoiled ballots at the close of the early  
13 voting period to the county clerk and must strictly account for  
14 all ballots received. The ballots delivered to the election  
15 official must include early ballots for each precinct in the  
16 election authority's jurisdiction and must include separate  
17 ballots for each political subdivision conducting an election  
18 of officers or a referendum at that election.

19 (b) In conducting early voting under this Article, the  
20 election judge or official is required to verify the signature  
21 of the early voter by comparison with the signature on the  
22 official registration card, and the judge or official must  
23 verify (i) the identity of the applicant, (ii) that the  
24 applicant is a registered voter, (iii) the precinct in which  
25 the applicant is registered, and (iv) the proper ballots of the

1 political subdivision in which the applicant resides and is  
2 entitled to vote before providing an early ballot to the  
3 applicant. If the identity of the applicant cannot be verified,  
4 the ~~The~~ applicant's identity must be verified by the  
5 applicant's presentation of an Illinois driver's license, a  
6 non-driver identification card issued by the Illinois  
7 Secretary of State, or another government-issued  
8 identification document containing the applicant's photograph.  
9 The election judge or official must verify the applicant's  
10 registration from the most recent poll list provided by the  
11 election authority, and if the applicant is not listed on that  
12 poll list, by telephoning the office of the election authority.

13 (b-5) A person requesting an early voting ballot to whom an  
14 absentee ballot was issued may vote early if the person submits  
15 that absentee ballot to the judges of election or official  
16 conducting early voting for cancellation. If the voter is  
17 unable to submit the absentee ballot, it shall be sufficient  
18 for the voter to submit to the judges or official (i) a portion  
19 of the absentee ballot if the absentee ballot was torn or  
20 mutilated or (ii) an affidavit executed before the judges or  
21 official specifying that (A) the voter never received an  
22 absentee ballot or (B) the voter completed and returned an  
23 absentee ballot and was informed that the election authority  
24 did not receive that absentee ballot.

25 (b-10) Within one day after a voter casts an early voting  
26 ballot, the election authority shall transmit the voter's name,

1 street address, and precinct, ward, township, and district  
2 numbers, as the case may be, to the State Board of Elections,  
3 which shall maintain those names and that information in an  
4 electronic format on its website, arranged by county and  
5 accessible to State and local political committees.

6 (b-15) This subsection applies to early voting polling  
7 places using optical scan technology voting equipment subject  
8 to Article 24B. Immediately after voting an early ballot, the  
9 voter shall be instructed whether the voting equipment accepted  
10 or rejected the ballot. A voter whose early voting ballot is  
11 not accepted by the voting equipment may, upon surrendering the  
12 ballot, request and vote another early voting ballot. The  
13 voter's ballot that was not accepted shall be initialed by the  
14 election judge or official conducting the early voting and  
15 handled as provided in Article 24B.

16 (c) The sealed early ballots in their carrier envelope  
17 shall be delivered by the election authority to the central  
18 ballot counting location before the close of the polls on the  
19 day of the election.

20 (Source: P.A. 94-645, eff. 8-22-05; 94-1000, eff. 7-3-06.)

21 (10 ILCS 5/20-8) (from Ch. 46, par. 20-8)

22 Sec. 20-8. Time and place of counting ballots.

23 (a) (Blank.)

24 (b) Each absent voter's ballot returned to an election  
25 authority, by any means authorized by this Article, and

1 received by that election authority before the closing of the  
2 polls on election day shall be endorsed by the receiving  
3 election authority with the day and hour of receipt and shall  
4 be counted in the central ballot counting location of the  
5 election authority on the day of the election after 7:00 p.m.,  
6 except as provided in subsections (g) and (g-5).

7 (c) Each absent voter's ballot that is mailed to an  
8 election authority and postmarked by the midnight preceding the  
9 opening of the polls on election day, but that is received by  
10 the election authority after the polls close on election day  
11 and before the close of the period for counting provisional  
12 ballots cast at that election, shall be endorsed by the  
13 receiving authority with the day and hour of receipt and shall  
14 be counted at the central ballot counting location of the  
15 election authority during the period for counting provisional  
16 ballots.

17 Each absent voter's ballot that is mailed to an election  
18 authority absent a postmark, but that is received by the  
19 election authority after the polls close on election day and  
20 before the close of the period for counting provisional ballots  
21 cast at that election, shall be endorsed by the receiving  
22 authority with the day and hour of receipt, opened to inspect  
23 the date inserted on the certification, and, if the  
24 certification date is a date preceding the election day and the  
25 ballot is otherwise found to be valid under the requirements of  
26 this Section, counted at the central ballot counting location

1 of the election authority during the period for counting  
2 provisional ballots. Absent a date on the certification, the  
3 ballot shall not be counted.

4 (d) Special write-in absentee voter's blank ballots  
5 returned to an election authority, by any means authorized by  
6 this Article, and received by the election authority at any  
7 time before the closing of the polls on election day shall be  
8 endorsed by the receiving election authority with the day and  
9 hour of receipt and shall be counted at the central ballot  
10 counting location of the election authority during the same  
11 period provided for counting absent voters' ballots under  
12 subsections (b), (g), and (g-5). Special write-in absentee  
13 voter's blank ballot that are mailed to an election authority  
14 and postmarked by midnight preceding the opening of the polls  
15 on election day, but that are received by the election  
16 authority after the polls close on election day and before the  
17 closing of the period for counting provisional ballots cast at  
18 that election, shall be endorsed by the receiving authority  
19 with the day and hour of receipt and shall be counted at the  
20 central ballot counting location of the election authority  
21 during the same periods provided for counting absent voters'  
22 ballots under subsection (c).

23 (e) Except as otherwise provided in this Section, absent  
24 voters' ballots and special write-in absentee voter's blank  
25 ballots received by the election authority after the closing of  
26 the polls on the day of election shall be endorsed by the



1 person receiving the ballots with the day and hour of receipt  
2 and shall be safely kept unopened by the election authority for  
3 the period of time required for the preservation of ballots  
4 used at the election, and shall then, without being opened, be  
5 destroyed in like manner as the used ballots of that election.

6 (f) Counting required under this Section to begin on  
7 election day after the closing of the polls shall commence no  
8 later than 8:00 p.m. and shall be conducted by a panel or  
9 panels of election judges appointed in the manner provided by  
10 law. The counting shall continue until all absent voters'  
11 ballots and special write-in absentee voter's blank ballots  
12 required to be counted on election day have been counted.

13 (g) The procedures set forth in Articles 17 and 18 of this  
14 Code shall apply to all ballots counted under this Section. In  
15 addition, within 2 days after a ballot subject to this Article  
16 is received, but in all cases before the close of the period  
17 for counting provisional ballots, the election judge or  
18 official shall compare the voter's signature on the  
19 certification envelope of that ballot with the signature of the  
20 voter on file in the office of the election authority. If the  
21 election judge or official determines that the 2 signatures  
22 match, and that the voter is otherwise qualified to cast a  
23 ballot under this Article, the election authority shall cast  
24 and count the ballot on election day or the day the ballot is  
25 determined to be valid, whichever is later, adding the results  
26 to the precinct in which the voter is registered. If the

1 election judge or official determines that the signatures do  
2 not match, or that the voter is not qualified to cast a ballot  
3 under this Article, then without opening the certification  
4 envelope, the judge or official shall mark across the face of  
5 the certification envelope the word "Rejected" and shall not  
6 cast or count the ballot.

7 In addition to the voter's signatures not matching, a  
8 ballot subject to this Article may be rejected by the election  
9 judge or official:

10 (1) if the ballot envelope is open or has been opened  
11 and resealed;

12 (2) if the voter has already cast an early or grace  
13 period ballot;

14 (3) if the voter voted in person on election day or the  
15 voter is not a duly registered voter in the precinct; or

16 (4) on any other basis set forth in this Code.

17 If the election judge or official determines that any of  
18 these reasons apply, the judge or official shall mark across  
19 the face of the certification envelope the word "Rejected" and  
20 shall not cast or count the ballot.

21 (g-5) If a ballot subject to this Article is rejected by  
22 the election judge or official for any reason, the election  
23 authority shall, within 2 days after the rejection but in all  
24 cases before the close of the period for counting provisional  
25 ballots, notify the voter that his or her ballot was rejected.  
26 The notice shall inform the voter of the reason or reasons the

1 ballot was rejected and shall state that the voter may appear  
2 before the election authority, on or before the 14th day after  
3 the election, to show cause as to why the ballot should not be  
4 rejected. The voter may present evidence to the election  
5 authority supporting his or her contention that the ballot  
6 should be counted. The election authority shall appoint a panel  
7 of 3 election judges to review the contested ballot,  
8 application, and certification envelope, as well as any  
9 evidence submitted by the absentee voter. No more than 2  
10 election judges on the reviewing panel shall be of the same  
11 political party. The reviewing panel of election judges shall  
12 make a final determination as to the validity of the contested  
13 ballot. The judges' determination shall not be reviewable  
14 either administratively or judicially.

15 A ballot subject to this subsection that is determined to  
16 be valid shall be counted before the close of the period for  
17 counting provisional ballots.

18 (g-10) All ballots determined to be valid shall be added to  
19 the vote totals for the precincts for which they were cast in  
20 the order in which the ballots were opened.

21 (h) Each political party, candidate, and qualified civic  
22 organization shall be entitled to have present one pollwatcher  
23 for each panel of election judges therein assigned.

24 (Source: P.A. 94-557, eff. 8-12-05; 94-1000, eff. 7-3-06.)

1       Sec. 24A-10.1. In an election jurisdiction where  
2 in-precinct counting equipment is utilized, the following  
3 procedures for counting and tallying the ballots shall apply:

4       Immediately after the closing of the polls, the precinct  
5 judges of election shall open the ballot box and count the  
6 number of ballots therein to determine if such number agrees  
7 with the number of voters voting as shown by the applications  
8 for ballot or, if the same do not agree, the judges of election  
9 shall make such ballots agree with the applications for ballot  
10 in the manner provided by Section 17-18 of this Act. The judges  
11 of election shall then examine all ballot cards and ballot card  
12 envelopes which are in the ballot box to determine whether the  
13 ballot cards and ballot card envelopes contain the initials of  
14 a precinct judge of election. If any ballot card or ballot card  
15 envelope is not initialed, it shall be marked on the back  
16 "Defective", initialed as to such label by all judges  
17 immediately under the word "Defective" and not counted. The  
18 judges of election shall place an initialed blank official  
19 ballot card in the place of the defective ballot card, so that  
20 the count of the ballot cards to be counted on the automatic  
21 tabulating equipment will be the same, and each "Defective  
22 Ballot" card and "Replacement" card shall contain the same  
23 serial number which shall be placed thereon by the judges of  
24 election, commencing with number 1 and continuing  
25 consecutively for the ballots of that kind in that precinct.  
26 The original "Defective" card shall be placed in the "Defective

1 Ballot Envelope" provided for that purpose.

2 When an electronic voting system is used which utilizes a  
3 ballot card, before separating the remaining ballot cards from  
4 their respective covering envelopes, the judges of election  
5 shall examine the ballot card envelopes for write-in votes.  
6 When the voter has cast a write-in vote, the judges of election  
7 shall compare the write-in vote with the votes on the ballot  
8 card to determine whether such write-in results in an overvote  
9 for any office. In case of an overvote for any office, the  
10 judges of election, consisting in each case of at least one  
11 judge of election of each of the 2 major political parties,  
12 shall make a true duplicate ballot of all votes on such ballot  
13 card except for the office which is overvoted, by using the  
14 ballot label booklet of the precinct and one of the marking  
15 devices of the precinct so as to transfer all votes of the  
16 voter, except for the office overvoted, to a duplicate card.  
17 The original ballot card and envelope upon which there is an  
18 overvote shall be clearly labeled "Overvoted Ballot", and each  
19 such "Overvoted Ballot" as well as its "Replacement" shall  
20 contain the same serial number which shall be placed thereon by  
21 the judges of election, commencing with number 1 and continuing  
22 consecutively for the ballots of that kind in that precinct.  
23 The "Overvoted Ballot" card and ballot envelope shall be placed  
24 in an envelope provided for that purpose labeled "Duplicate  
25 Ballot" envelope, and the judges of election shall initial the  
26 "Replacement" ballot cards and shall place them with the other

1 ballot cards to be counted on the automatic tabulating  
2 equipment. Envelopes containing write-in votes marked in the  
3 place designated therefor and containing the initials of a  
4 precinct judge of election and not resulting in an overvote and  
5 otherwise complying with the election laws as to marking shall  
6 be counted and tallied and their votes recorded on a tally  
7 sheet provided by the election authority.

8 The ballot cards and ballot card envelopes shall be  
9 separated in preparation for counting by the automatic  
10 tabulating equipment provided for that purpose by the election  
11 authority.

12 Before the ballots are entered into the automatic  
13 tabulating equipment, a precinct identification card provided  
14 by the election authority shall be entered into the device to  
15 ensure that the totals are all zeroes in the count column on  
16 the printing unit. A precinct judge of election shall then  
17 count the ballots by entering each ballot card into the  
18 automatic tabulating equipment, and if any ballot or ballot  
19 card is damaged or defective so that it cannot properly be  
20 counted by the automatic tabulating equipment, the judges of  
21 election, consisting in each case of at least one judge of  
22 election of each of the 2 major political parties, shall make a  
23 true duplicate ballot of all votes on such ballot card by using  
24 the ballot label booklet of the precinct and one of the marking  
25 devices of the precinct. The original ballot or ballot card and  
26 envelope shall be clearly labeled "Damaged Ballot" and the

1 ballot or ballot card so produced shall be clearly labeled  
2 "Duplicate Damaged Ballot", and each shall contain the same  
3 serial number which shall be placed thereon by the judges of  
4 election, commencing with number 1 and continuing  
5 consecutively for the ballots of that kind in the precinct. The  
6 judges of election shall initial the "Duplicate Damaged Ballot"  
7 ballot or ballot cards and shall enter the duplicate damaged  
8 cards into the automatic tabulating equipment. The "Damaged  
9 Ballot" cards shall be placed in the "Duplicated Ballots"  
10 envelope; after all ballot cards have been successfully read,  
11 the judges of election shall check to make certain that the  
12 last number printed by the printing unit is the same as the  
13 number of voters making application for ballot in that  
14 precinct. The number shall be listed on the "Statement of  
15 Ballots" form provided by the election authority.

16 The totals for all candidates and propositions shall be  
17 tabulated. One copy of an "In-Precinct Totals Report" shall be  
18 generated by the automatic tabulating equipment for return to  
19 the election authority. One copy of an "In-Precinct Totals  
20 Report" shall be generated and posted in a conspicuous place  
21 inside the polling place, provided that any authorized  
22 pollwatcher or other official authorized to be present in the  
23 polling place to observe the counting of ballots is present.

24 ~~The totals for all candidates and propositions shall be~~  
25 ~~tabulated; 4 sets shall be attached to the 4 sets of~~  
26 ~~"Certificate of Results" provided by the election authority;~~

~~one set shall be posted in a conspicuous place inside the polling place; and every effort shall be made by the judges of election to provide a set for each authorized pollwatcher or other official authorized to be present in the polling place to observe the counting of ballots; but in no case shall the number of sets to be made available to pollwatchers be fewer than 4, chosen by lot by the judges of election. In addition, sufficient time shall be provided by the judges of election to the pollwatchers to allow them to copy information from the set which has been posted.~~

The judges of election shall count all unused ballot cards and enter the number on the "Statement of Ballots". All "Spoiled", "Defective" and "Duplicated" ballot cards shall be counted and the number entered on the "Statement of Ballots".

The precinct judges of election shall select a bi-partisan team of 2 judges, who shall immediately return the ballots in a sealed container, along with all other election materials as instructed by the election authority; provided, however, that such container must first be sealed by the election judges with filament tape provided for such purpose which shall be wrapped around the container lengthwise and crosswise, at least twice each way, in such manner that the ballots cannot be removed from such container without breaking the seal and filament tape and disturbing any signatures affixed by the election judges to the container. The election authority shall keep the office of the election authority, or any receiving stations designated by



1 such authority, open for at least 12 consecutive hours after  
2 the polls close or until the ballots from all precincts with  
3 in-precinct counting equipment within the jurisdiction of the  
4 election authority have been returned to the election  
5 authority. Ballots returned to the office of the election  
6 authority which are not signed and sealed as required by law  
7 shall not be accepted by the election authority until the  
8 judges returning the same make and sign the necessary  
9 corrections. Upon acceptance of the ballots by the election  
10 authority, the judges returning the same shall take a receipt  
11 signed by the election authority and stamped with the time and  
12 date of such return. The election judges whose duty it is to  
13 return any ballots as herein provided shall, in the event such  
14 ballots cannot be found when needed, on proper request, produce  
15 the receipt which they are to take as above provided.

16 (Source: P.A. 94-645, eff. 8-22-05; 94-1000, eff. 7-3-06.)

17 (10 ILCS 5/24A-15) (from Ch. 46, par. 24A-15)

18 Sec. 24A-15. The precinct return printed by the automatic  
19 tabulating equipment shall include the number of ballots cast  
20 and votes cast for each candidate and proposition and shall  
21 constitute the official return of each precinct. In addition to  
22 the precinct return, the election authority shall provide the  
23 number of applications for ballots in each precinct, the  
24 write-in votes, the total number of ballots counted in each  
25 precinct for each political subdivision and district and the

1 number of registered voters in each precinct. However, the  
2 election authority shall check the totals shown by the precinct  
3 return and, if there is an obvious discrepancy with respect to  
4 the total number of votes cast in any precinct, shall have the  
5 ballots for such precinct retabulated to correct the return.  
6 The procedures for retabulation shall apply prior to and after  
7 the proclamation is completed; however, after the proclamation  
8 of results, the election authority must obtain a court order to  
9 unseal voted ballots except for election contests and discovery  
10 recounts. In those election jurisdictions that utilize  
11 in-precinct counting equipment, the certificate of results,  
12 which has been prepared by the judges of election ~~in the~~  
13 ~~polling place~~ after the ballots have been tabulated, shall be  
14 the document used for the canvass of votes for such precinct.  
15 Whenever a discrepancy exists during the canvass of votes  
16 between the unofficial results and the certificate of results,  
17 or whenever a discrepancy exists during the canvass of votes  
18 between the certificate of results and the set of totals which  
19 has been affixed to such certificate of results, the ballots  
20 for such precinct shall be retabulated to correct the return.  
21 As an additional part of this check prior to the proclamation,  
22 in those jurisdictions where in-precinct counting equipment is  
23 utilized, the election authority shall retabulate the total  
24 number of votes cast in 5% of the precincts within the election  
25 jurisdiction. The precincts to be retabulated shall be selected  
26 after election day on a random basis by the State Board of

1 Elections, so that every precinct in the election jurisdiction  
2 has an equal mathematical chance of being selected. The State  
3 Board of Elections shall design a standard and scientific  
4 random method of selecting the precincts which are to be  
5 retabulated. The State central committee chairman of each  
6 established political party shall be given prior written notice  
7 of the time and place of such random selection procedure and  
8 may be represented at such procedure. Such retabulation shall  
9 consist of counting the ballot cards which were originally  
10 counted and shall not involve any determination as to which  
11 ballot cards were, in fact, properly counted. The ballots from  
12 the precincts selected for such retabulation shall remain at  
13 all times under the custody and control of the election  
14 authority and shall be transported and retabulated by the  
15 designated staff of the election authority.

16 As part of such retabulation, the election authority shall  
17 test the computer program in the selected precincts. Such test  
18 shall be conducted by processing a preaudited group of ballots  
19 so punched so as to record a predetermined number of valid  
20 votes for each candidate and on each public question, and shall  
21 include for each office one or more ballots which have votes in  
22 excess of the number allowed by law in order to test the  
23 ability of the equipment to reject such votes. If any error is  
24 detected, the cause therefor shall be ascertained and corrected  
25 and an errorless count shall be made prior to the official  
26 canvass and proclamation of election results.

1       The State Board of Elections, the State's Attorney and  
2 other appropriate law enforcement agencies, the county  
3 chairman of each established political party and qualified  
4 civic organizations shall be given prior written notice of the  
5 time and place of such retabulation and may be represented at  
6 such retabulation.

7       The results of this retabulation shall be treated in the  
8 same manner and have the same effect as the results of the  
9 discovery procedures set forth in Section 22-9.1 of this Act.  
10 Upon completion of the retabulation, the election authority  
11 shall print a comparison of the results of the retabulation  
12 with the original precinct return printed by the automatic  
13 tabulating equipment. Such comparison shall be done for each  
14 precinct and for each office voted upon within that precinct,  
15 and the comparisons shall be open to the public.

16 (Source: P.A. 94-1000, eff. 7-3-06.)

17 (10 ILCS 5/24B-6)

18       Sec. 24B-6. Ballot Information; Arrangement; Electronic  
19 Precinct Tabulation Optical Scan Technology Voting System;  
20 Absentee Ballots; Spoiled Ballots. The ballot information,  
21 shall, as far as practicable, be in the order of arrangement  
22 provided for paper ballots, except that the information may be  
23 in vertical or horizontal rows, or on a number of separate  
24 pages or displays on the marking device. Ballots for all  
25 questions or propositions to be voted on should be provided in

1 a similar manner and must be arranged on the ballot sheet or  
2 marking device in the places provided for such purposes.  
3 Ballots shall be of white paper unless provided otherwise by  
4 administrative rule of the State Board of Elections or  
5 otherwise specified.

6 All propositions, including but not limited to  
7 propositions calling for a constitutional convention,  
8 constitutional amendment, judicial retention, and public  
9 measures to be voted upon shall be placed on separate portions  
10 of the ballot sheet or marking device by utilizing borders or  
11 grey screens. Candidates shall be listed on a separate portion  
12 of the ballot sheet or marking device by utilizing borders or  
13 grey screens. Whenever a person has submitted a declaration of  
14 intent to be a write-in candidate as required in Sections  
15 17-16.1 and 19-9.1, ~~Below the name of the last candidate listed~~  
16 ~~for an office shall be printed or displayed~~ a line or lines on  
17 which the voter may select a write-in candidate shall be  
18 printed below the name of the last candidate listed for such  
19 office. Such line or lines shall be proximate to an area  
20 provided for marking votes for the write-in candidate or  
21 candidates. The number of write-in lines for an office shall  
22 equal the number of write-in candidates who have filed for such  
23 office, up to the number of candidates for which a voter may  
24 vote. More than one amendment to the constitution may be placed  
25 on the same portion of the ballot sheet or marking device.  
26 Constitutional convention or constitutional amendment

1 propositions shall be printed or displayed on a separate  
2 portion of the ballot sheet or marking device and designated by  
3 borders or grey screens, unless otherwise provided by  
4 administrative rule of the State Board of Elections. More than  
5 one public measure or proposition may be placed on the same  
6 portion of the ballot sheet or marking device. More than one  
7 proposition for retention of judges in office may be placed on  
8 the same portion of the ballot sheet or marking device. Names  
9 of candidates shall be printed in black. The party affiliation  
10 of each candidate or the word "independent" shall appear near  
11 or under the candidate's name, and the names of candidates for  
12 the same office shall be listed vertically under the title of  
13 that office, on separate pages of the marking device, or as  
14 otherwise approved by the State Board of Elections. In the case  
15 of nonpartisan elections for officers of political  
16 subdivisions, unless the statute or an ordinance adopted  
17 pursuant to Article VII of the Constitution requires otherwise,  
18 the listing of nonpartisan candidates shall not include any  
19 party or "independent" designation. Judicial retention  
20 questions and ballot questions for all public measures and  
21 other propositions shall be designated by borders or grey  
22 screens on the ballot or marking device. In primary elections,  
23 a separate ballot, or displays on the marking device, shall be  
24 used for each political party holding a primary, with the  
25 ballot or marking device arranged to include names of the  
26 candidates of the party and public measures and other

1 propositions to be voted upon on the day of the primary  
2 election.

3 If the ballot includes both candidates for office and  
4 public measures or propositions to be voted on, the election  
5 official in charge of the election shall divide the ballot or  
6 displays on the marking device in sections for "Candidates" and  
7 "Propositions", or separate ballots may be used.

8 Absentee ballots may consist of envelopes, paper ballots or  
9 ballot sheets voted in person in the office of the election  
10 official in charge of the election or voted by mail. Where a  
11 Precinct Tabulation Optical Scan Technology ballot is used for  
12 voting by mail it must be accompanied by voter instructions.

13 Any voter who spoils his or her ballot, makes an error, or  
14 has a ballot returned by the automatic tabulating equipment may  
15 return the ballot to the judges of election and get another  
16 ballot.

17 (Source: P.A. 93-574, eff. 8-21-03.)

18 (10 ILCS 5/24B-10.1)

19 Sec. 24B-10.1. In-Precinct Counting Equipment; Procedures  
20 for Counting and Tallying Ballots. In an election jurisdiction  
21 where Precinct Tabulation Optical Scan Technology counting  
22 equipment is used, the following procedures for counting and  
23 tallying the ballots shall apply:

24 Before the opening of the polls, and before the ballots are  
25 entered into the automatic tabulating equipment, the judges of

1 election shall be sure that the totals are all zeros in the  
2 counting column. Ballots may then be counted by entering or  
3 scanning each ballot into the automatic tabulating equipment.  
4 Throughout the election day and before the closing of the  
5 polls, no person may check any vote totals for any candidate or  
6 proposition on the automatic tabulating equipment. Such  
7 automatic tabulating equipment shall be programmed so that no  
8 person may reset the equipment for refeeding of ballots unless  
9 provided a code from an authorized representative of the  
10 election authority. At the option of the election authority,  
11 the ballots may be fed into the Precinct Tabulation Optical  
12 Scan Technology equipment by the voters under the direct  
13 supervision of the judges of elections.

14 Immediately after the closing of the polls, the precinct  
15 judges of election shall open the ballot box and count the  
16 number of ballots to determine if the number agrees with the  
17 number of voters voting as shown on the Precinct Tabulation  
18 Optical Scan Technology equipment and by the applications for  
19 ballot or, if the same do not agree, the judges of election  
20 shall make the ballots agree with the applications for ballot  
21 in the manner provided by Section 17-18 of this Code. The  
22 judges of election shall then examine all ballots which are in  
23 the ballot box to determine whether the ballots contain the  
24 initials of a precinct judge of election. If any ballot is not  
25 initialed, it shall be marked on the back "Defective",  
26 initialed as to such label by all judges immediately under the



1 word "Defective" and not counted. The judges of election shall  
2 place an initialed blank official ballot in the place of the  
3 defective ballot, so that the count of the ballots to be  
4 counted on the automatic tabulating equipment will be the same,  
5 and each "Defective Ballot" and "Replacement" ballot shall  
6 contain the same serial number which shall be placed thereon by  
7 the judges of election, beginning with number 1 and continuing  
8 consecutively for the ballots of that kind in that precinct.  
9 The original "Defective" ballot shall be placed in the  
10 "Defective Ballot Envelope" provided for that purpose.

11 If the judges of election have removed a ballot pursuant to  
12 Section 17-18, have labeled "Defective" a ballot which is not  
13 initialed, or have otherwise determined under this Code to not  
14 count a ballot originally deposited into a ballot box, the  
15 judges of election shall be sure that the totals on the  
16 automatic tabulating equipment are reset to all zeros in the  
17 counting column. Thereafter the judges of election shall enter  
18 or otherwise scan each ballot to be counted in the automatic  
19 tabulating equipment. Resetting the automatic tabulating  
20 equipment to all zeros and re-entering of ballots to be counted  
21 may occur at the precinct polling place, the office of the  
22 election authority, or any receiving station designated by the  
23 election authority. The election authority shall designate the  
24 place for resetting and re-entering or re-scanning.

25 When a Precinct Tabulation Optical Scan Technology  
26 electronic voting system is used which uses a paper ballot, the

1 judges of election shall examine the ballot for write-in votes.  
2 When the voter has cast a write-in vote, the judges of election  
3 shall compare the write-in vote with the votes on the ballot to  
4 determine whether the write-in results in an overvote for any  
5 office, unless the Precinct Tabulation Optical Scan Technology  
6 equipment has already done so. In case of an overvote for any  
7 office, the judges of election, consisting in each case of at  
8 least one judge of election of each of the 2 major political  
9 parties, shall make a true duplicate ballot of all votes on  
10 such ballot except for the office which is overvoted, by using  
11 the ballot of the precinct and one of the marking devices, or  
12 equivalent ballot, of the precinct so as to transfer all votes  
13 of the voter, except for the office overvoted, to a duplicate  
14 ballot. The original ballot upon which there is an overvote  
15 shall be clearly labeled "Overvoted Ballot", and each such  
16 "Overvoted Ballot" as well as its "Replacement" shall contain  
17 the same serial number which shall be placed thereon by the  
18 judges of election, beginning with number 1 and continuing  
19 consecutively for the ballots of that kind in that precinct.  
20 The "Overvoted Ballot" shall be placed in an envelope provided  
21 for that purpose labeled "Duplicate Ballot" envelope, and the  
22 judges of election shall initial the "Replacement" ballots and  
23 shall place them with the other ballots to be counted on the  
24 automatic tabulating equipment.

25 If any ballot is damaged or defective, or if any ballot  
26 contains a Voting Defect, so that it cannot properly be counted

1 by the automatic tabulating equipment, the voter or the judges  
2 of election, consisting in each case of at least one judge of  
3 election of each of the 2 major political parties, shall make a  
4 true duplicate ballot of all votes on such ballot by using the  
5 ballot of the precinct and one of the marking devices of the  
6 precinct, or equivalent. If a damaged ballot, the original  
7 ballot shall be clearly labeled "Damaged Ballot" and the ballot  
8 so produced shall be clearly labeled "Damaged Ballot" and the  
9 ballot so produced shall be clearly labeled "Duplicate Damaged  
10 Ballot", and each shall contain the same serial number which  
11 shall be placed by the judges of election, beginning with  
12 number 1 and continuing consecutively for the ballots of that  
13 kind in the precinct. The judges of election shall initial the  
14 "Duplicate Damaged Ballot" ballot and shall enter or otherwise  
15 scan the duplicate damaged ballot into the automatic tabulating  
16 equipment. The "Damaged Ballots" shall be placed in the  
17 "Duplicated Ballots" envelope; after all ballots have been  
18 successfully read, the judges of election shall check to make  
19 certain that the Precinct Tabulation Optical Scan Technology  
20 equipment readout agrees with the number of voters making  
21 application for ballot in that precinct. The number shall be  
22 listed on the "Statement of Ballots" form provided by the  
23 election authority.

24 The totals for all candidates and propositions shall be  
25 tabulated. One copy of an "In-Precinct Totals Report" shall be  
26 generated by the automatic tabulating equipment for return to

1 the election authority. One copy of an "In-Precinct Totals  
2 Report" shall be generated and posted in a conspicuous place  
3 inside the polling place, provided that any authorized  
4 pollwatcher or other official authorized to be present in the  
5 polling place to observe the counting of ballots is present.

6 ~~The totals for all candidates and propositions shall be~~  
7 ~~tabulated; and 4 copies of a "Certificate of Results" shall be~~  
8 ~~generated by the automatic tabulating equipment; one copy shall~~  
9 ~~be posted in a conspicuous place inside the polling place; and~~  
10 ~~every effort shall be made by the judges of election to provide~~  
11 ~~a copy for each authorized pollwatcher or other official~~  
12 ~~authorized to be present in the polling place to observe the~~  
13 ~~counting of ballots; but in no case shall the number of copies~~  
14 ~~to be made available to pollwatchers be fewer than 4, chosen by~~  
15 ~~lot by the judges of election.~~ In addition, sufficient time  
16 shall be provided by the judges of election to the pollwatchers  
17 to allow them to copy information from the copy which has been  
18 posted.

19 The judges of election shall count all unused ballots and  
20 enter the number on the "Statement of Ballots". All "Spoiled",  
21 "Defective" and "Duplicated" ballots shall be counted and the  
22 number entered on the "Statement of Ballots".

23 The precinct judges of election shall select a bi-partisan  
24 team of 2 judges, who shall immediately return the ballots in a  
25 sealed container, along with all other election materials as  
26 instructed by the election authority; provided, however, that

1 such container must first be sealed by the election judges with  
2 filament tape or other approved sealing devices provided for  
3 the purpose which shall be wrapped around the container  
4 lengthwise and crosswise, at least twice each way, in a manner  
5 that the ballots cannot be removed from the container without  
6 breaking the seal and filament tape and disturbing any  
7 signatures affixed by the election judges to the container, or  
8 which other approved sealing devices are affixed in a manner  
9 approved by the election authority. The election authority  
10 shall keep the office of the election authority or any  
11 receiving stations designated by the authority, open for at  
12 least 12 consecutive hours after the polls close or until the  
13 ballots from all precincts with in-precinct counting equipment  
14 within the jurisdiction of the election authority have been  
15 returned to the election authority. Ballots returned to the  
16 office of the election authority which are not signed and  
17 sealed as required by law shall not be accepted by the election  
18 authority until the judges returning the ballots make and sign  
19 the necessary corrections. Upon acceptance of the ballots by  
20 the election authority, the judges returning the ballots shall  
21 take a receipt signed by the election authority and stamped  
22 with the time and date of the return. The election judges whose  
23 duty it is to return any ballots as provided shall, in the  
24 event the ballots cannot be found when needed, on proper  
25 request, produce the receipt which they are to take as above  
26 provided. The precinct judges of election shall also deliver

1 the Precinct Tabulation Optical Scan Technology equipment to  
2 the election authority.

3 (Source: P.A. 93-574, eff. 8-21-03; 94-645, eff. 8-22-05;  
4 94-1000, eff. 7-3-06.)

5 (10 ILCS 5/24B-15)

6 Sec. 24B-15. Official Return of Precinct; Check of Totals;  
7 Retabulation. The precinct return printed by the automatic  
8 Precinct Tabulation Optical Scan Technology tabulating  
9 equipment shall include the number of ballots cast and votes  
10 cast for each candidate and proposition and shall constitute  
11 the official return of each precinct. In addition to the  
12 precinct return, the election authority shall provide the  
13 number of applications for ballots in each precinct, the  
14 write-in votes, the total number of ballots counted in each  
15 precinct for each political subdivision and district and the  
16 number of registered voters in each precinct. However, the  
17 election authority shall check the totals shown by the precinct  
18 return and, if there is an obvious discrepancy regarding the  
19 total number of votes cast in any precinct, shall have the  
20 ballots for that precinct retabulated to correct the return.  
21 The procedures for retabulation shall apply prior to and after  
22 the proclamation is completed; however, after the proclamation  
23 of results, the election authority must obtain a court order to  
24 unseal voted ballots except for election contests and discovery  
25 recounts. In those election jurisdictions that use in-precinct

1 counting equipment, the certificate of results, which has been  
2 prepared by the judges of election ~~in the polling place~~ after  
3 the ballots have been tabulated, shall be the document used for  
4 the canvass of votes for such precinct. Whenever a discrepancy  
5 exists during the canvass of votes between the unofficial  
6 results and the certificate of results, or whenever a  
7 discrepancy exists during the canvass of votes between the  
8 certificate of results and the set of totals which has been  
9 affixed to the certificate of results, the ballots for that  
10 precinct shall be retabulated to correct the return. As an  
11 additional part of this check prior to the proclamation, in  
12 those jurisdictions where in-precinct counting equipment is  
13 used, the election authority shall retabulate the total number  
14 of votes cast in 5% of the precincts within the election  
15 jurisdiction. The precincts to be retabulated shall be selected  
16 after election day on a random basis by the State Board of  
17 Elections, so that every precinct in the election jurisdiction  
18 has an equal mathematical chance of being selected. The State  
19 Board of Elections shall design a standard and scientific  
20 random method of selecting the precincts which are to be  
21 retabulated. The State central committee chairman of each  
22 established political party shall be given prior written notice  
23 of the time and place of the random selection procedure and may  
24 be represented at the procedure. The retabulation shall consist  
25 of counting the ballots which were originally counted and shall  
26 not involve any determination of which ballots were, in fact,

1 properly counted. The ballots from the precincts selected for  
2 the retabulation shall remain at all times under the custody  
3 and control of the election authority and shall be transported  
4 and retabulated by the designated staff of the election  
5 authority.

6 As part of the retabulation, the election authority shall  
7 test the computer program in the selected precincts. The test  
8 shall be conducted by processing a preaudited group of ballots  
9 marked to record a predetermined number of valid votes for each  
10 candidate and on each public question, and shall include for  
11 each office one or more ballots which have votes in excess of  
12 the number allowed by law to test the ability of the equipment  
13 and the marking device to reject such votes. If any error is  
14 detected, the cause shall be determined and corrected, and an  
15 errorless count shall be made prior to the official canvass and  
16 proclamation of election results.

17 The State Board of Elections, the State's Attorney and  
18 other appropriate law enforcement agencies, the county  
19 chairman of each established political party and qualified  
20 civic organizations shall be given prior written notice of the  
21 time and place of the retabulation and may be represented at  
22 the retabulation.

23 The results of this retabulation shall be treated in the  
24 same manner and have the same effect as the results of the  
25 discovery procedures set forth in Section 22-9.1 of this Code.  
26 Upon completion of the retabulation, the election authority



1 shall print a comparison of the results of the retabulation  
2 with the original precinct return printed by the automatic  
3 tabulating equipment. The comparison shall be done for each  
4 precinct and for each office voted upon within that precinct,  
5 and the comparisons shall be open to the public. Upon  
6 completion of the retabulation, the returns shall be open to  
7 the public.

8 (Source: P.A. 93-574, eff. 8-21-03; 94-1000, eff. 7-3-06.)

9 (10 ILCS 5/24C-12)

10 Sec. 24C-12. Procedures for Counting and Tallying of  
11 Ballots. In an election jurisdiction where a Direct Recording  
12 Electronic Voting System is used, the following procedures for  
13 counting and tallying the ballots shall apply:

14 Before the opening of the polls, the judges of elections  
15 shall assemble the voting equipment and devices and turn the  
16 equipment on. The judges shall, if necessary, take steps to  
17 activate the voting devices and counting equipment by inserting  
18 into the equipment and voting devices appropriate data cards  
19 containing passwords and data codes that will select the proper  
20 ballot formats selected for that polling place and that will  
21 prevent inadvertent or unauthorized activation of the  
22 poll-opening function. Before voting begins and before ballots  
23 are entered into the voting devices, the judges of election  
24 shall cause to be printed a record of the following: the  
25 election's identification data, the device's unit

1 identification, the ballot's format identification, the  
2 contents of each active candidate register by office and of  
3 each active public question register showing that they contain  
4 all zero votes, all ballot fields that can be used to invoke  
5 special voting options, and other information needed to ensure  
6 the readiness of the equipment and to accommodate  
7 administrative reporting requirements. The judges must also  
8 check to be sure that the totals are all zeros in the counting  
9 columns and in the public counter affixed to the voting  
10 devices.

11 After the judges have determined that a person is qualified  
12 to vote, a voting device with the proper ballot to which the  
13 voter is entitled shall be enabled to be used by the voter. The  
14 ballot may then be cast by the voter by marking by appropriate  
15 means the designated area of the ballot for the casting of a  
16 vote for any candidate or for or against any public question.  
17 The voter shall be able to vote for any and all candidates and  
18 public measures appearing on the ballot in any legal number and  
19 combination and the voter shall be able to delete, change or  
20 correct his or her selections before the ballot is cast. The  
21 voter shall be able to select candidates whose names do not  
22 appear upon the ballot for any office by entering  
23 electronically as many names of candidates as the voter is  
24 entitled to select for each office.

25 Upon completing his or her selection of candidates or  
26 public questions, the voter shall signify that voting has been

1 completed by activating the appropriate button, switch or  
2 active area of the ballot screen associated with end of voting.  
3 Upon activation, the voting system shall record an image of the  
4 completed ballot, increment the proper ballot position  
5 registers, and shall signify to the voter that the ballot has  
6 been cast. Upon activation, the voting system shall also print  
7 a permanent paper record of each ballot cast as defined in  
8 Section 24C-2 of this Code. This permanent paper record shall  
9 (i) be printed in a clear, readily readable format that can be  
10 easily reviewed by the voter for completeness and accuracy and  
11 (ii) either be self-contained within the voting device or be  
12 deposited by the voter into a secure ballot box. No permanent  
13 paper record shall be removed from the polling place except by  
14 election officials as authorized by this Article. All permanent  
15 paper records shall be preserved and secured by election  
16 officials in the same manner as paper ballots and shall be  
17 available as an official record for any recount, redundant  
18 count, or verification or retabulation of the vote count  
19 conducted with respect to any election in which the voting  
20 system is used. The voter shall exit the voting station and the  
21 voting system shall prevent any further attempt to vote until  
22 it has been properly re-activated. If a voting device has been  
23 enabled for voting but the voter leaves the polling place  
24 without casting a ballot, 2 judges of election, one from each  
25 of the 2 major political parties, shall spoil the ballot.

26 Throughout the election day and before the closing of the

1 polls, no person may check any vote totals for any candidate or  
2 public question on the voting or counting equipment. Such  
3 equipment shall be programmed so that no person may reset the  
4 equipment for reentry of ballots unless provided the proper  
5 code from an authorized representative of the election  
6 authority.

7 The precinct judges of election shall check the public  
8 register to determine whether the number of ballots counted by  
9 the voting equipment agrees with the number of voters voting as  
10 shown by the applications for ballot. If the same do not agree,  
11 the judges of election shall immediately contact the offices of  
12 the election authority in charge of the election for further  
13 instructions. If the number of ballots counted by the voting  
14 equipment agrees with the number of voters voting as shown by  
15 the application for ballot, the number shall be listed on the  
16 "Statement of Ballots" form provided by the election authority.

17 The totals for all candidates and propositions shall be  
18 tabulated. One copy of an "In-Precinct Totals Report" shall be  
19 generated by the automatic tabulating equipment for return to  
20 the election authority. One copy of an "In-Precinct Totals  
21 Report" shall be generated and posted in a conspicuous place  
22 inside the polling place, provided that any authorized  
23 pollwatcher or other official authorized to be present in the  
24 polling place to observe the counting of ballots is present.  
25 ~~Except as otherwise provided in this Section, the totals for~~  
26 ~~all candidates and propositions shall be tabulated; and 4~~

1 ~~copies of a "Certificate of Results" shall be printed by the~~  
2 ~~automatic tabulating equipment; one copy shall be posted in a~~  
3 ~~conspicuous place inside the polling place; and every effort~~  
4 ~~shall be made by the judges of election to provide a copy for~~  
5 ~~each authorized pollwatcher or other official authorized to be~~  
6 ~~present in the polling place to observe the counting of~~  
7 ~~ballots; but in no case shall the number of copies to be made~~  
8 ~~available to pollwatchers be fewer than 4, chosen by lot by the~~  
9 ~~judges of election.~~ In addition, sufficient time shall be  
10 provided by the judges of election to the pollwatchers to allow  
11 them to copy information from the copy which has been posted.

12       Until December 31, 2007, in elections at which fractional  
13 cumulative votes are cast for candidates, the tabulation of  
14 those fractional cumulative votes may be made by the election  
15 authority at its central office location, and 4 copies of a  
16 "Certificate of Results" shall be printed by the automatic  
17 tabulation equipment and shall be posted in 4 conspicuous  
18 places at the central office location where those fractional  
19 cumulative votes have been tabulated.

20       If instructed by the election authority, the judges of  
21 election shall cause the tabulated returns to be transmitted  
22 electronically to the offices of the election authority via  
23 modem or other electronic medium.

24       The precinct judges of election shall select a bi-partisan  
25 team of 2 judges, who shall immediately return the ballots in a  
26 sealed container, along with all other election materials and

1 equipment as instructed by the election authority; provided,  
2 however, that such container must first be sealed by the  
3 election judges with filament tape or other approved sealing  
4 devices provided for the purpose in a manner that the ballots  
5 cannot be removed from the container without breaking the seal  
6 or filament tape and disturbing any signatures affixed by the  
7 election judges to the container. The election authority shall  
8 keep the office of the election authority, or any receiving  
9 stations designated by the authority, open for at least 12  
10 consecutive hours after the polls close or until the ballots  
11 and election material and equipment from all precincts within  
12 the jurisdiction of the election authority have been returned  
13 to the election authority. Ballots and election materials and  
14 equipment returned to the office of the election authority  
15 which are not signed and sealed as required by law shall not be  
16 accepted by the election authority until the judges returning  
17 the ballots make and sign the necessary corrections. Upon  
18 acceptance of the ballots and election materials and equipment  
19 by the election authority, the judges returning the ballots  
20 shall take a receipt signed by the election authority and  
21 stamped with the time and date of the return. The election  
22 judges whose duty it is to return any ballots and election  
23 materials and equipment as provided shall, in the event the  
24 ballots, materials or equipment cannot be found when needed, on  
25 proper request, produce the receipt which they are to take as  
26 above provided.

1 (Source: P.A. 93-574, eff. 8-21-03; 94-645, eff. 8-22-05;  
2 94-1073, eff. 12-26-06.)

3 (10 ILCS 5/24C-15)

4 Sec. 24C-15. Official Return of Precinct; Check of Totals;  
5 Audit. The precinct return printed by the Direct Recording  
6 Electronic Voting System tabulating equipment shall include  
7 the number of ballots cast and votes cast for each candidate  
8 and public question and shall constitute the official return of  
9 each precinct. In addition to the precinct return, the election  
10 authority shall provide the number of applications for ballots  
11 in each precinct, the total number of ballots and absentee  
12 ballots counted in each precinct for each political subdivision  
13 and district and the number of registered voters in each  
14 precinct. However, the election authority shall check the  
15 totals shown by the precinct return and, if there is an obvious  
16 discrepancy regarding the total number of votes cast in any  
17 precinct, shall have the ballots for that precinct audited to  
18 correct the return. The procedures for this audit shall apply  
19 prior to and after the proclamation is completed; however,  
20 after the proclamation of results, the election authority must  
21 obtain a court order to unseal voted ballots or voting devices  
22 except for election contests and discovery recounts. The  
23 certificate of results, which has been prepared and signed by  
24 the judges of election ~~in the polling place~~ after the ballots  
25 have been tabulated, shall be the document used for the canvass

1 of votes for such precinct. Whenever a discrepancy exists  
2 during the canvass of votes between the unofficial results and  
3 the certificate of results, or whenever a discrepancy exists  
4 during the canvass of votes between the certificate of results  
5 and the set of totals reflected on the certificate of results,  
6 the ballots for that precinct shall be audited to correct the  
7 return.

8 Prior to the proclamation, the election authority shall  
9 test the voting devices and equipment in 5% of the precincts  
10 within the election jurisdiction. The precincts to be tested  
11 shall be selected after election day on a random basis by the  
12 State Board of Elections, so that every precinct in the  
13 election jurisdiction has an equal mathematical chance of being  
14 selected. The State Board of Elections shall design a standard  
15 and scientific random method of selecting the precincts that  
16 are to be tested. The State central committee chairman of each  
17 established political party shall be given prior written notice  
18 of the time and place of the random selection procedure and may  
19 be represented at the procedure.

20 The test shall be conducted by counting the votes marked on  
21 the permanent paper record of each ballot cast in the tested  
22 precinct printed by the voting system at the time that each  
23 ballot was cast and comparing the results of this count with  
24 the results shown by the certificate of results prepared by the  
25 Direct Recording Electronic Voting System in the test precinct.  
26 The election authority shall test count these votes either by



1 hand or by using an automatic tabulating device other than a  
2 Direct Recording Electronic voting device that has been  
3 approved by the State Board of Elections for that purpose and  
4 tested before use to ensure accuracy. The election authority  
5 shall print the results of each test count. If any error is  
6 detected, the cause shall be determined and corrected, and an  
7 errorless count shall be made prior to the official canvass and  
8 proclamation of election results. If an errorless count cannot  
9 be conducted and there continues to be difference in vote  
10 results between the certificate of results produced by the  
11 Direct Recording Electronic Voting System and the count of the  
12 permanent paper records or if an error was detected and  
13 corrected, the election authority shall immediately prepare  
14 and forward to the appropriate canvassing board a written  
15 report explaining the results of the test and any errors  
16 encountered and the report shall be made available for public  
17 inspection.

18 The State Board of Elections, the State's Attorney and  
19 other appropriate law enforcement agencies, the county  
20 chairman of each established political party and qualified  
21 civic organizations shall be given prior written notice of the  
22 time and place of the test and may be represented at the test.

23 The results of this post-election test shall be treated in  
24 the same manner and have the same effect as the results of the  
25 discovery procedures set forth in Section 22-9.1 of this Code.

26 (Source: P.A. 93-574, eff. 8-21-03; 94-645, eff. 8-22-05;

1 94-1000, eff. 7-3-06.)

2 (10 ILCS 5/28-6) (from Ch. 46, par. 28-6)

3 Sec. 28-6. Petitions; filing.

4 (a) On a written petition signed by a number of voters  
5 equal to at least 8% of the total votes cast ~~for candidates for~~  
6 ~~Governor in the preceding gubernatorial election~~ by the  
7 registered voters of the municipality, township, county or  
8 school district in the last general election at which the  
9 municipality, township, county, or school district voted for  
10 the election of officers to serve its respective jurisdiction,  
11 it shall be the duty of the proper election officers to submit  
12 any question of public policy so petitioned for, to the  
13 electors of such political subdivision at any regular election  
14 named in the petition at which an election is scheduled to be  
15 held throughout such political subdivision under Article 2A.  
16 Such petitions shall be filed with the local election official  
17 of the political subdivision or election authority, as the case  
18 may be. Where such a question is to be submitted to the voters  
19 of a municipality which has adopted Article 6, or a township or  
20 school district located entirely within the jurisdiction of a  
21 municipal board of election commissioners, such petitions  
22 shall be filed with the board of election commissioners having  
23 jurisdiction over the political subdivision.

24 (b) In a municipality with more than 1,000,000 inhabitants,  
25 when a question of public policy exclusively concerning a

1 contiguous territory included entirely within but not  
2 coextensive with the municipality is initiated by resolution or  
3 ordinance of the corporate authorities of the municipality, or  
4 by a petition which may be signed by registered voters who  
5 reside in any part of any precinct all or part of which  
6 includes all or part of the territory and who equal in number  
7 at least 8% of the total votes cast for candidates for Governor  
8 in the preceding gubernatorial election by the total number of  
9 registered voters of the precinct or precincts the registered  
10 voters of which are eligible to sign the petition, it shall be  
11 the duty of the election authority having jurisdiction over  
12 such municipality to submit such question to the electors  
13 throughout each precinct all or part of which includes all or  
14 part of the territory at the regular election specified in the  
15 resolution, ordinance or petition initiating the public  
16 question. A petition initiating a public question described in  
17 this subsection shall be filed with the election authority  
18 having jurisdiction over the municipality. A resolution,  
19 ordinance or petition initiating a public question described in  
20 this subsection shall specify the election at which the  
21 question is to be submitted.

22 (c) Local questions of public policy authorized by this  
23 Section and statewide questions of public policy authorized by  
24 Section 28-9 shall be advisory public questions, and no legal  
25 effects shall result from the adoption or rejection of such  
26 propositions.

1 (d) This Section does not apply to a petition filed  
2 pursuant to Article IX of the Liquor Control Act of 1934.

3 (Source: P.A. 93-574, eff. 8-21-03.)

4 Section 10. The Illinois Municipal Code is amended by  
5 changing Sections 3.1-20-45 and 3.1-25-40 as follows:

6 (65 ILCS 5/3.1-20-45)

7 Sec. 3.1-20-45. Nonpartisan primary elections; uncontested  
8 office. A city incorporated under this Code that elects  
9 municipal officers at nonpartisan primary and general  
10 elections shall conduct the elections as provided in the  
11 Election Code, except that no office for which nomination is  
12 uncontested shall be included on the primary ballot and no  
13 primary shall be held for that office. For the purposes of this  
14 Section, an office is uncontested when not more than 4 ~~two~~  
15 persons to be nominated for each office have timely filed valid  
16 nominating papers seeking nomination for the election to that  
17 office.

18 Notwithstanding the preceding paragraph, when a person (i)  
19 who has not timely filed valid nomination papers and (ii) who  
20 intends to become a write-in candidate for nomination for any  
21 office for which nomination is uncontested files a written  
22 statement or notice of that intent with the proper election  
23 official with whom the nomination papers for that office are  
24 filed, if the write-in candidate becomes the fourth candidate

1 filed, a primary ballot must be prepared and a primary must be  
2 held for the office. The statement or notice must be filed on  
3 or before the 61st day before the consolidated primary  
4 election. The statement must contain (i) the name and address  
5 of the person intending to become a write-in candidate, (ii) a  
6 statement that the person intends to become a write-in  
7 candidate, and (iii) the office the person is seeking as a  
8 write-in candidate. An election authority has no duty to  
9 conduct a primary election or prepare a primary ballot unless a  
10 statement meeting the requirements of this paragraph is filed  
11 in a timely manner.

12 (Source: P.A. 91-57, eff. 6-30-99.)

13 (65 ILCS 5/3.1-25-40) (from Ch. 24, par. 3.1-25-40)

14 Sec. 3.1-25-40. Ballots.

15 (a) If the office of president is to be filled, only the  
16 names of the 4 ~~2~~ candidates receiving the highest number of  
17 votes for president shall be placed on the ballot for president  
18 at the next succeeding general municipal election. The names of  
19 candidates in a number equal to 4 ~~2~~ times the number of trustee  
20 positions to be filled receiving the highest number of votes  
21 for trustee, or the names of all candidates if less than 4 ~~2~~  
22 times the number of trustee positions to be filled, shall be  
23 placed on the ballot for that office at the municipal election.

24 (b) An elector, however, at either a primary election or a  
25 general municipal election held under Sections 3.1-25-20

1 through 3.1-25-55, may write in the names of the candidates of  
2 that elector's choice in accordance with the general election  
3 law. If, however, the name of only one candidate for a  
4 particular office appeared on the primary ballot, the name of  
5 the person having the largest number of write-in votes shall  
6 not be placed upon the ballot at the general municipal election  
7 unless the number of votes received in the primary election by  
8 that person was at least 10% of the number of votes received by  
9 the candidate for the same office whose name appeared on the  
10 primary ballot.

11 (c) If a nominee at a general primary election dies or  
12 withdraws before the general municipal election, there shall be  
13 placed on the ballot the name of the candidate receiving the  
14 next highest number of votes, and so on in case of the death or  
15 withdrawal of more than one nominee.

16 (d) If in the application of this Section there occurs the  
17 condition provided for in Section 3.1-25-45, there shall be  
18 placed on the ballot the name of the candidate who was not  
19 chosen by lot under that Section where one of 2 tied candidates  
20 had been placed on the ballot before the death or withdrawal  
21 occurred. If, however, in the application of this Section, the  
22 candidate with the next highest number of votes cannot be  
23 determined because of a tie among 2 or more candidates, the  
24 successor nominee whose name shall be placed on the ballot  
25 shall be determined by lot as provided in Section 3.1-25-45.

26 (Source: P.A. 87-1119.)

1 (65 ILCS 5/4-3-5 rep.)

2 (65 ILCS 5/4-3-10 rep.)

3 (65 ILCS 5/4-3-10.1 rep.)

4 (65 ILCS 5/4-3-13 rep.)

5 (65 ILCS 5/4-3-14 rep.)

6 Section 15. The Illinois Municipal Code is amended by  
7 repealing Sections 4-3-5, 4-3-10, 4-3-10.1, 4-3-13, and  
8 4-3-14.".